

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. RFA No.10671 of 2014 (O&M)
Date of decision : 13.02.2015

Harpal Singh & others ...Appellants

Versus

State of Haryana & another ...Respondents

2. RFA No.10569 of 2014 (O&M)
Date of decision : 13.02.2015

Gurpreet Singh & others ...Appellants

Versus

State of Haryana & another ...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Shoaib Khan, Advocate for
Mr. M.K. Chouhan, Advocate for the appellants.

Mr. Abhinash Jain, Asst. A.G. Haryana.

AMIT RAWAL, J. (Oral)

CM No.17630-CI of 2014

This is an application u/s 151 CPC for condonation of delay of
2562 days in refiling the appeal.

For the reasons stated in the application, which is duly
supported by an affidavit, delay of 2562 days in refiling the appeal is
condoned.

CM stands disposed of.

CM No.17631-CI of 2014

This is an application u/s 5 of Limitation Act, 1963, for condonation of delay of 228 days in filing the appeal.

For the reasons stated in the application, which is duly supported by an affidavit, delay of 228 days in filing the appeal is condoned.

CM stands disposed of.

CM No.17632-CI of 2014

For the reasons stated in the application, which is duly supported by an affidavit, application is allowed subject to all just exceptions.

CM No.17633-CI of 2014

For the reasons stated in the application, which is duly supported by an affidavit, LR's of deceased-Lakhbir Singh @ Lakhmir Singh as mentioned in the application are ordered to be brought on record for the purpose of prosecuting the present appeal.

The application stands disposed of.

CM No.17634-CI of 2014

For the reasons stated in the application which is duly supported by an affidavit, LR's of deceased-Labhar Singh @ Malhar Singh son of Late Sh. Niranjana Singh as mentioned in the application are ordered to be brought on record for the purpose of prosecuting the present appeal.

The application stands disposed of.

CM No.17635-CI of 2014

For the reasons stated in the application which is duly supported by an affidavit, LRs of deceased-Paramjit Singh s/o Lt. Sh. Bhag Singh as mentioned in the application are ordered to be brought on record for the purpose of prosecuting the present appeal.

The application stands disposed of.

Main Case

This order of mine shall dispose of RFA No. 10671 of 2014 titled as 'Harpal Singh & others vs. State of Haryana & another' and RFA No.10569 of 2014 titled as 'Gurpreet Singh & others Vs. State of Haryana & others'.

Learned counsel for the appellants has submitted that the matter in controversy is covered by the judgment dated 25.02.2009 of this Hon'ble Court rendered in RFA No.3008 of 2008, whereby bunch of 804 appeals have already been decided. He further submits that the subject matter of the notification is same.

I have gone through the award passed by Reference Court and found that the Notification under Sections 4 & 6 of the Land Acquisition Act in the instant case was issued on 16.03.1999 and on 15.03.2000 respectively, whereas in the order referred above, the notification was also of the same date, whereby land measuring 482.17 acres situated in Village Saketri, Tehsil & District Panchkula was acquired for development and utilization as residential and commercial areas in urban state of Panchkula

under the Haryana Urban Development Authority Act, 1977.

The Land Acquisition Collector vide his award dated 09.10.2013 assessed the market value of the land. The landowners feeling dissatisfied with the quantum of compensation awarded by the Collector preferred a Reference petition under Section 18 of the Act and the Reference Court awarded a compensation of ₹418 per square yards. It was also ordered that the land-owners would be entitled to the statutory benefits under Sections 21 (1-A), 23(2) and 28 of the Act. It is in these circumstances, the present Regular First Appeal has been filed seeking for enhancement of the amount of compensation.

This Court after pondering upon the entire issue much less after examining the matter, setting aside the order of the Reference Court, remanded the matter to the Reference Court to determine the market value afresh.

The present appeals are disposed of in terms of order dated 25.02.2009 passed in RFA No.3008 of 2008, & matter is remitted back to Reference Court to redetermine the market value afresh. Liberty is granted to the parties to lead any further evidence in support of respective claim in addition to what had already been led.

The parties through their counsels are directed to appear before the learned District Judge, Panchkula to decide references on their own or entrust the references to any other Court having the jurisdiction on 23.04.2015.

13.02.2015

**(AMIT RAWAL)
JUDGE**